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04-26-04

RCE/2807
PTO/SB/30 (08-03)

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23 2004
TRADEMARK OFFICE
Request
For
Continued Examination (RCE)
Transmittal

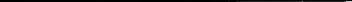
Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/200,495
<i>Filing Date</i>	11/25/1998
<i>First Named Inventor</i>	Peter C. Van Buskirk
<i>Art Unit</i>	2811
<i>Examiner Name</i>	S. Hu
<i>Attorney Docket Number</i>	2771-337 RCE 3

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

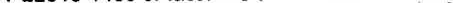
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

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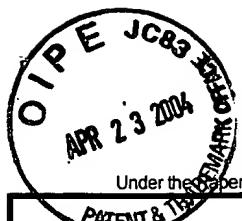
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Marianne Fuierer	Registration No. (Attorney/Agent)	39983
Signature		Date	4/23/04

CERTIFICATE OF MAILING OR TRANSMISSION

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Name (Print/Type) Candace White
Signature  **Date** 4/23/04

Signature _____
This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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PTO/SB/17 (02-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

FEE TRANSMITTAL for FY 2004

Applicant Claims small entity status. See 37 CFR 1.27

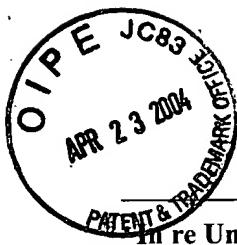
TOTAL AMOUNT OF PAYMENT **(\$)** **770.00**

Complete if Known

Application Number	09/200,495
Filing Date	11/25/1998
First Named Inventor	Peter C. Van Buskirk
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METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																																			
<input type="checkbox"/> Check <input checked="" type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account 08-3284 Deposit Account Number Deposit Account Name Intellectual Property/Technology Law		3. ADDITIONAL FEES <table border="1"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th colspan="3">Fee Description</th> <th>Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th></th> <th></th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Surcharge – late filing fee or oath</td> <td></td> </tr> <tr> <td>1052</td> <td>50</td> <td>2052</td> <td>25</td> <td>Surcharge – late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>1053</td> <td>130</td> <td>1053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,520</td> <td>For filing a request for ex parte reexamination</td> <td></td> </tr> <tr> <td>1804</td> <td>920*</td> <td>1804</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840*</td> <td>1805</td> <td>1,840*</td> <td>Requesting 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Entity	Small Entity	Fee Description			Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)			1051	130	2051	65	Surcharge – late filing fee or oath		1052	50	2052	25	Surcharge – late provisional filing fee or cover sheet		1053	130	1053	130	Non-English specification		1812	2,520	1812	2,520	For filing a request for ex parte reexamination		1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action		1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action		1251	110	2251	55	Extension for reply within first month		1252	420	2252	210	Extension for reply within second month		1253	950	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	2,010	2255	1,005	Extension for reply within fifth month		1401	330	2401	165	Notice of Appeal		1402	330	2402	165	Filing a brief in support of an appeal		1403	290	2403	145	Request for oral hearing		1451	1,510	1451	1,510	Petition to institute a public use 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SUBMITTED BY Complete if applicable <table border="1"> <tr> <td>Name (Print/Type)</td> <td>Marianne Fuierer</td> <td>Registration No. (Attorney/Agent)</td> <td>39983</td> <td>Telephone</td> <td>(919) 419-9350</td> </tr> <tr> <td>Signature</td> <td><i>Marianne Fuierer</i></td> <td></td> <td></td> <td>Date</td> <td>4/23/04</td> </tr> </table>						Name (Print/Type)	Marianne Fuierer	Registration No. (Attorney/Agent)	39983	Telephone	(919) 419-9350	Signature	<i>Marianne Fuierer</i>			Date	4/23/04																																																																																																																																																																																				
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ENT & TRADE
In re United States Patent Application of:) Customer No.: 25559
)
Applicant: Peter Van Buskirk, et al.) Docket No.: 2771-337 RCE 3
)
Application No.: 09/200,495) Examiner: S. Hu
)
Date Filed: November 25, 1998) Art Group: 2811
)
Title: OXIDATIVE TOP ELECTRODE) Confirmation No.: 4898
DEPOSITION PROCESS, AND)
MICROELECTRONIC DEVICE)
STRUCTURE)

EXPRESS MAIL CERTIFICATE

I hereby certify that I am mailing the attached documents to the Commissioner for Patents on the date specified, in an envelope addressed to the Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 and Express Mailed under the provisions of 37 CFR 1.10.

Candace White

April 23, 2004

EO 001 769 378 US

PRELIMINARY AMENDMENT IN U.S. PATENT APPLICATION NO. 09/200,495

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the April 14, 2004 Advisory Action in the above-referenced patent application, please amend the application as follows: